

Order

Michigan Supreme Court
Lansing, Michigan

July 25, 2008

Clifford W. Taylor,
Chief Justice

135772

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 135772
COA: 277838
Oakland CC: 2005-205998-FC

CHRISTIAN SIERRA,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the January 29, 2008 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other preemptory action. MCR 7.302(G)(1). At oral argument, the parties shall address (1) what constitutes a “similar motive” to develop testimony under MRE 804(b)(1); and (2) whether the trial court abused its discretion when it concluded that, at the 1999 trial of Domingo Sierra, in which this defendant’s guilt was not directly at issue, the prosecution lacked a “similar motive” to develop the testimony of the unavailable declarant Lisa Vega by direct, cross, or redirect examination within the meaning of MRE 804(b)(1). The parties may file supplemental briefs within 42 days of the date of this order, but they should not submit mere restatements of their application papers.

The Criminal Defense Attorneys of Michigan and the Prosecuting Attorneys Association of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 25, 2008

Corbin R. Davis

Clerk